

## **TITLE 16**

### **STRUCTURAL PEST CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Pasadena Hotel, 303 East Cordova Street, Pasadena, California, at 9:00 a.m. on April 12, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office not later than 5:00 p.m. on April 11, 2002, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 8525 of the Business and Professions Code, and to implement, interpret or make specific Sections 8564.6, 8593.1 and 8674 of said Code, the Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Amend 1948

Business and Professions Code section 8564.6 requires that an applicant for an applicator's license submit a prescribed fee. Code section 8674 sets forth the fees imposed for the issuance of an applicator's license and the renewal of an applicator's license. There is no existing regulation to specify the fee for the applicator's license or applicator's license renewal.

This regulatory proposal would set the fees for an applicator's license and an applicator's license renewal.

##### Amend 1950

Business and Professions Code section 8593.1 requires as a condition to the renewal of an applicator's license that the licensee submit proof satisfactory to the board that he or she has completed continuing education courses. There is

no existing regulation to establish the specific continuing education renewal requirements.

This regulatory proposal would specify the exact continuing education requirement for licensed applicators.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses.

## CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

## CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Delores Coleman  
Structural Pest Control Board  
1418 Howe Avenue, Suite 18  
Sacramento, CA 95825

Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: [delores\\_coleman@dca.ca.gov](mailto:delores_coleman@dca.ca.gov)

The backup contact person is:

Susan Saylor  
Structural Pest Control Board  
1418 Howe Avenue, Suite 18  
Sacramento, CA 95825

Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: [susan\\_saylor@dca.ca.gov](mailto:susan_saylor@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be directed to Susan Saylor, (916) 561-8700.

Website Access: Materials regarding this proposal can be found at

**§1948. Fees.****VERSION A**

(a) Pursuant to the provisions of Section 8674 of the code, the following fees are established:

(1) Duplicate license . . . . .	\$ 2
(2) Change of licensee name . . . . .	\$ 2
(3) Operator's examination . . . . .	\$ 25
(4) Operator's license . . . . .	\$150
(5) Renewal operator's license . . . . .	\$150
(6) Company office registration . . . . .	\$120
(7) Branch office registration . . . . .	\$ 60
(8) Field representative's examination . . . . .	\$ 10
(9) Field representative's license . . . . .	\$ 30
(10) Renewal field representative's license . . . . .	\$ 30
(11) Change of registered company's name . . . . .	\$ 25
(12) Change of principal office address . . . . .	\$ 25
(13) Change of branch office address . . . . .	\$ 25
(14) Change of qualifying manager . . . . .	\$ 25
(15) Change of registered company's officers . . . . .	\$ 25
(16) Change of bond or insurance . . . . .	\$ 25
(17) Continuing education provider . . . . .	\$ 50
(18) Continuing education course approval . . . . .	\$ 25
(19) Pesticides use report filing . . . . .	\$ 6
(20) Applicator's license . . . . .	\$ 10
(21) Renewal applicator's license . . . . .	\$ 10

(b) Pursuant to Section 8564.5 of the code, the fee for examination for licensure as an applicator is \$15.00 for each branch in which an examination is taken.

(c) Pursuant to Section 8593 of the code, the fee for the continuing education examination for operators is \$25.00, for each branch in which an examination is taken.

(d) Pursuant to Section 8593 of the code, the fee for the continuing education examination for field representatives is \$10.00, for each branch in which an examination is taken.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5, 8590.1, 8593 and 8674, Business and Professions Code.

**§1948. Fees.****VERSION B**

(a) Pursuant to the provisions of Section 8674 of the code, the following fees are established:

(1) Duplicate license . . . . .	\$ 2
(2) Change of licensee name . . . . .	\$ 2
(3) Operator's examination . . . . .	\$ 25
(4) Operator's license . . . . .	\$150
(5) Renewal operator's license . . . . .	\$150
(6) Company office registration . . . . .	\$120
(7) Branch office registration . . . . .	\$ 60
(8) Field representative's examination . . . . .	\$ 10
(9) Field representative's license . . . . .	\$ 30
(10) Renewal field representative's license . . . . .	\$ 30
(11) Change of registered company's name . . . . .	\$ 25
(12) Change of principal office address . . . . .	\$ 25
(13) Change of branch office address . . . . .	\$ 25
(14) Change of qualifying manager . . . . .	\$ 25
(15) Change of registered company's officers . . . . .	\$ 25
(16) Change of bond or insurance . . . . .	\$ 25
(17) Continuing education provider . . . . .	\$ 50
(18) Continuing education course approval . . . . .	\$ 25
(19) Pesticides use report filing . . . . .	\$ 6
<u>(20) Applicator's license . . . . .</u>	<u>\$ 25</u>
<u>(21) Renewal applicator's license . . . . .</u>	<u>\$ 25</u>

(b) Pursuant to Section 8564.5 of the code, the fee for examination for licensure as an applicator is \$15.00 for each branch in which an examination is taken.

(c) Pursuant to Section 8593 of the code, the fee for the continuing education examination for operators is \$25.00, for each branch in which an examination is taken.

(d) Pursuant to Section 8593 of the code, the fee for the continuing education examination for field representatives is \$10.00, for each branch in which an examination is taken.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5, 8590.1, 8593 and 8674, Business and Professions Code.

**§1948. Fees.**

**VERSION C**

(a) Pursuant to the provisions of Section 8674 of the code,

the following fees are established:

(1)	Duplicate license . . . . .	\$ 2
(2)	Change of licensee name . . . . .	\$ 2
(3)	Operator's examination . . . . .	\$ 25
(4)	Operator's license . . . . .	\$150
(5)	Renewal operator's license . . . . .	\$150
(6)	Company office registration . . . . .	\$120
(7)	Branch office registration . . . . .	\$ 60
(8)	Field representative's examination . . . . .	\$ 10
(9)	Field representative's license . . . . .	\$ 30
(10)	Renewal field representative's license . . . . .	\$ 30
(11)	Change of registered company's name . . . . .	\$ 25
(12)	Change of principal office address . . . . .	\$ 25
(13)	Change of branch office address . . . . .	\$ 25
(14)	Change of qualifying manager . . . . .	\$ 25
(15)	Change of registered company's officers . . . . .	\$ 25
(16)	Change of bond or insurance . . . . .	\$ 25
(17)	Continuing education provider . . . . .	\$ 50
(18)	Continuing education course approval . . . . .	\$ 25
(19)	Pesticides use report filing . . . . .	\$ 6
(20)	<u>Applicator's license . . . . .</u>	<u>\$ 50</u>
(21)	<u>Renewal applicator's license . . . . .</u>	<u>\$ 50</u>

(b) Pursuant to Section 8564.5 of the code, the fee for examination for licensure as an applicator is \$15.00 for each branch in which an examination is taken.

(c) Pursuant to Section 8593 of the code, the fee for the continuing education examination for operators is \$25.00, for each branch in which an examination is taken.

(d) Pursuant to Section 8593 of the code, the fee for the continuing education examination for field representatives is \$10.00, for each branch in which an examination is taken.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5, 8590.1, 8593 and 8674, Business and Professions Code.

#### **STRUCTURAL PEST CONTROL BOARD**

#### **INITIAL STATEMENT OF REASONS**

Hearing Date: April 12, 2002

Subject Matter of Proposed Regulations: Fees

Section Affected: 1948

Problem Addressed:

Fees charged for reviewing license applications and issuing licenses, as well as reviewing renewal applications and issuing renewal licenses, does not cover the administrative costs associated with these processes.

Specific Purpose of each adoption, amendment, or repeal:

To increase the fees for issuing licenses and license renewals in order to cover administrative costs.

Factual Basis:

Fees currently charged do not cover administrative costs.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No alternative which was considered would be either more effective than or equally as effective as and less burdensome to affected private persons than the proposed regulation.



## **§ 1950. Continuing Education Requirements**

(a) Except as provided in Section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do by the Board, may be subject to disciplinary action under Section 8641 of the code.

(b) Each licensee is required to gain a certain number of continuing education hours during the three year renewal period. The number of hours required depends on the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as "technical" or "general" by the Board when the activity is approved. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.

(c) For the renewal period ending June 30, 1995, and each subsequent renewal period, operators licensed in one branch of pest control ~~or wood roof cleaning and treatment~~ shall gain 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control ~~or one branch of pest control and wood roof cleaning and treatment~~ shall gain 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control ~~or two branches of pest control and wood roof cleaning and treatment~~ shall gain 24 continuing education hours during each three year renewal period. ~~Operators licensed in three branches of pest control and wood roof cleaning and treatment shall gain 28 continuing education hours during each three year renewal period.~~ In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control ~~or wood roof cleaning and treatment~~ held by the licensee must be gained for each branch license and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

(d) For the renewal period ending June 30, 1995, and each subsequent renewal period, field representatives licensed in one branch of pest control ~~or wood roof cleaning and treatment~~ shall have completed 16 continuing education hours, field

representatives licensed in two branches of pest control ~~or one branch of pest control~~ and wood roof cleaning and treatment shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control ~~or two branches of pest control and wood roof cleaning and treatment~~ shall have completed 24 continuing education hours during each three year renewal period ~~and field representatives licensed in three branches of pest control and wood roof cleaning and treatment shall gain 28 continuing education hours during each three year renewal period.~~ In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control ~~or wood roof cleaning and treatment~~ held by the licensee must be gained for each branch of pest control ~~or wood roof cleaning and treatment~~ licensed and a minimum of eight hours must be gained from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

~~(e) For the renewal period ending June 30, 2000, and each subsequent renewal period, a licensed applicator shall have completed 16 hours of Board approved continuing education. Such continuing education shall consist of 12 hours of continuing education covering pesticide application and use, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.~~

~~(e)(f)~~ Operators who hold a field representative's license in a branch of pest control ~~or wood roof cleaning and treatment~~ in which they do not hold an operator's license must gain four of the continuing education hours required by section 1950(c) in a technical subject directly related to the branch or branches of pest control ~~or wood roof cleaning and treatment~~ in which the field representative's license is held, in order to keep the field representative's license active.

~~(f)(g)~~ No course, including complete operator's courses developed pursuant to section 8565.5, may be taken more than once during a renewal period for bcontinuing education hours.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8593 and 8593.1, Business and Professions Code.

**STRUCTURAL PEST CONTROL BOARD**  
**INITIAL STATEMENT OF REASONS**

Hearing Date: April 12, 2002

Subject Matter of Proposed Regulations: Applicator- Continuing Education

Section Affected: 1950

Problem Addressed:

Section 8593.1 of the Business and Professions Code states that licensed applicators must meet continuing education requirements as a condition to the renewal of an applicator's license. The regulations do not specify the number of continuing education hours required to renew.

Specific Purpose of each adoption, amendment, or repeal:

The Board proposes to adopt into regulation the number of continuing education hours required to renew an applicator's license.

Factual Basis:

Statutes in the Business and Professions Code provide for the renewal of this license category without specifying the exact continuing education requirement.

Underlying Data:

None

Business Impact:

This regulation will not have a significant adverse economic impact on businesses.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No alternative which was considered would be either more effective than or equally as effective as and less burdensome to affected private persons than the proposed regulation.

